

The Principles of Private Law

In my thesis I occupied myself mainly with representative principles that master private law and that should lead to the implementation of the idea of justice as an ultimate goal of a legal set of rules in general. Despite of Sisyphean character of this task and impossibility of reaching it, there is nothing that can discourage from trying it again and again. I would like to admit that this attempt was at least ambitious and meaningful.

Inability of perfect recognition “an sich” turns attention into extralegal sources of information, such as ethics, political sciences, sociology, economy and the head of all sciences - philosophy. This thesis also reflects intuitive approach to the principles of private law as a result of dependency on my personal preferences and cited sources and their authors (which also reflects my own disposition).

The main issue was a function of the principles of private law in the normative set of rules. These principles make an important place in the normative set of rules as they form its limits. We can hardly imagine its “commission” without such principles of private law. They protect the integrity and the compactness, because Czech private law is nowadays extremely heterogeneous complex of rules.

According to the restriction mentioned in the introduction of this thesis I focused on a few representative principles of private law. The thesis therefore does not include deailed essay of all those principles of private law, since it would be much more comprehensive.

What are the perspectives of the research based on legal principles? In the post-revolution times the principles became a main subject of the monographs and they gained importance in the legislative process, the interpretation and also in the application of law. I dare to claim that the importance of principles would be increasing in the future due to the legislative inflation. I would not overestimate optimistic prospects about New Civil Code, because the new modification should not include a part dedicated to the labour law which is very rigid and paternalistic now and which treats traditional private law institutes in a different way.

We have no choice than hope the New Civil Code will implement successfully in the legislative enviroment as well as the belief return of Czech legal set of rules to time-tested values through its essential code of private law.